

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

No. 5:16-CV-194-FL

EDWARD RAY SMITH, )  
                          )  
                          )  
Plaintiff,            )  
                          )  
                          )  
v.                     )  
                          )  
                          )  
NANCY A. BERRYHILL, )  
Acting Commissioner of Social Security,    )  
                          )  
                          )  
Defendant.            )

ORDER

This matter is before the court on the Memorandum and Recommendation (“M&R”) of United States Magistrate Judge James E. Gates, regarding the parties’ motions for remand (DE 20, 24), and plaintiff’s motion for summary judgment (DE 17). No objections to the M&R have been filed, and the time within which to make any objection has expired. This matter is ripe for ruling.

Upon careful review of the M&R and of the record generally, having found no clear error, the court hereby ADOPTS the recommendation of the magistrate judge as its own, and, for the reasons stated therein, defendant’s motion is GRANTED IN PART and DENIED IN PART, and this matter is REMANDED to defendant pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings consistent with the M&R. Plaintiff’s motion for remand (DE 20) and motion for summary judgment (DE 17) are DENIED AS MOOT. The clerk of court is directed to close the case.

SO ORDERED this the 5th day of September, 2017.

  
LOUISE W. FLANAGAN  
United States District Judge